

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN D. WATSON and JANE WATSON,)	CASE NO. 8:15CV3018
)	
)	
Plaintiffs,)	
)	
)	MEMORANDUM
v.)	AND ORDER
)	
RENE LACOMBE, TRAVELERS TRANSPORTATION SERVICES, Inc., and JOHN PAUL ELEDGE,)	
)	
)	
Defendants.)	
)	

This matter is before the Court on the Motion to Dismiss for Improper Venue or Transfer for Improper Venue (Filing No. 12) submitted by Defendants Rene LaCombe (“LaCombe”) and Travelers Transportation Services, Inc. (“Travelers”). Plaintiffs ask the Court to deny the Motion to Dismiss, but to grant the Motion as it seeks in the alternative a transfer of venue to the United States District Court for the District of Southern Iowa. (See Plaintiffs’ Brief, Filing No. 16 at ECF 2-3.) In reply, Defendant LaCombe, a resident of Canada, and Defendant Travelers, a Canadian corporation, “stipulate and agree that this matter may be transferred to the Southern District of Iowa.” (Defendants’ Reply Brief, Filing No. 17 at ECF 2.) Defendant John Paul Eledge, a resident of Iowa, has not opposed the Motion.

The Plaintiffs have invoked the Court’s diversity jurisdiction in this case involving a traffic accident that occurred in the state of Iowa. (Complaint, Filing No. 1 at ECF 2.) While it appears that there is complete diversity of citizenship between all parties plaintiff and all parties defendant, it does not appear that venue is proper in this district pursuant to 28 U.S.C. § 1331. Accepting the allegations in the Complaint as true, however, it is

clear that venue lies in the Southern District of Iowa pursuant to 28 U.S.C. § 1391(b)(2) (“a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred”) Accordingly, a transfer of venue pursuant to 28 U.S.C. § 1406(a) is in the interest of justice.

IT IS ORDERED:

1. The Motion to Dismiss for Improper Venue or Transfer for Improper Venue (Filing No. 12) submitted by Defendants Rene LaCombe and Travelers Transportation Services, Inc., is granted in part as follows:

The Court finds pursuant to 28 U.S.C. § 1406(a) that this is a case laying venue in the wrong district and that it is in the interest of justice to transfer the case to a district in which the case could have been brought;

2. This case is transferred to the United States District Court for the Southern District of Iowa; and
3. The Motion is otherwise denied.

DATED this 12th day of June, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge